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December 1, 2009

VIA ECF

Honorable Ramon E. Reyes, Jr.
United States Magistrate Judge
United States District Court,
Eastern District of New York
Brooklyn Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: Queens Borough Public Library v. Dynix Corp., et al. (E.D.N.Y.)
09-CIV-2860 (ILG)(RER)
Joint Status Report**

Dear Judge Reyes:

As you are aware, this firm represents Defendants Dynix Corporation and Sirsi Corporation (collectively "Defendants") in the referenced action. Thompson Hine LLP represents Plaintiff Queens Borough Public Library (the "Library") and that firm has reviewed and approved the contents of the instant Joint Status Report. This Joint Status Report is provided pursuant to Your Honor's directive at the initial court conference held on November 2, 2009, that the parties confer regarding amending the caption to reflect the status of Sirsi Holdings Corp. ("SHC"). SHC has not been served with the Complaint and has not appeared.

The undersigned has explained to counsel for the Library that SHC merged with and into Sirsi Corporation on January 17, 2007. Additionally, the undersigned provided counsel for the Library with a true and correct copy of the "Certificate of Merger of Sirsi Holdings Corp. with and into Sirsi Corporation Pursuant to Section 251(c) of the General Corporation Law of the State of Delaware" dated January 17, 2007, and on file with the Delaware Secretary of State.

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Counsel for the Library has requested that the following be included in the instant Joint Status Report:

As the parties have not yet engaged in any formal discovery, Defendants have provided the Library with a Certificate of Merger which suggests that SHC was "merged" into Sirsi Corporation in January 2007, which is consistent with the allegations of the Complaint. The Library is relying solely on Defendants' representations with respect to the existence of defendant SHC, and based upon their representation that SHC is no longer a going concern, and in an effort to move this proceeding forward expeditiously, the parties will confer on the proper procedure to amend the caption to dismiss SHC, without prejudice, from the action. In the event discovery in this case provides information to the contrary, the Library reserves all of its rights with respect to SHC.

Defendants disagree with the Library that the contents of the Certificate of Merger are "consistent with the allegations of the Complaint" and note that Defendants have represented that SHC merged with and into Sirsi Corporation and made no further representations on this issue. Nevertheless, Defendants do not oppose the Library's offer to dismiss SHC from the instant action without prejudice, and will confer with counsel for the Library on its next steps for accomplishing same.

Counsel for Plaintiff and Defendants are available to discuss this matter further should the Court so desire.

Respectfully submitted,



Jeffrey P. Rosenstein

cc: Rebecca A. Brazzano, Esq. (via email)

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